

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA CALLING FOR THE HOLDING OF A VOTE-BY-MAIL GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 3, 2009, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CHARTER AND FOR THE SUBMISSION OF FOUR CHARTER AMENDMENT MEASURES

WHEREAS, under the provisions of the Charter of the City of Santa Barbara, a General Municipal Election shall be held on November 3, 2009, for the election of four municipal officers; and

WHEREAS, the City Council also desires to submit to the voters at the November 2009 election four proposed charter amendments relating to Charter Sections 1506, 809, 811, and 814.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to requirements of the Charter of the City of Santa Barbara, there is called and ordered to be held in the City of Santa Barbara on Tuesday, November 3, 2009, a General Municipal Election for the purpose of electing a Mayor and three Councilmembers for terms expiring in accordance with Section 500 of the City Charter.

SECTION 2. That the City Council, pursuant to its right and authority under State Government Code section 34458 and Elections Code section 9255, does order submitted to the voters at the General Municipal Election the following proposed charter amendments:

CITY OF SANTA BARBARA
CHARTER AMENDMENT

MEASURE
2009

Building Heights

YES	
NO	

Shall the City Charter be revised by amending Charter Section 1506 to reduce the maximum allowed building height within the City to forty-five (45) feet generally and forty (40) feet within the El Pueblo Viejo district except for those areas of the City zoned for single-family and two-family homes where the maximum building height will remain at thirty (30) feet.

CITY OF SANTA BARBARA
CHARTER AMENDMENT

**MEASURE
2009**

YES

NO

Parks and Recreation Commission

Shall the City Charter be revised by amending Charter Section 809 and Charter Section 810 to combine the Board of Park Commissioners with the Recreation Commission to form a new commission called the "Parks and Recreation Commission" and to allow the City Council to appoint a youth member of the new Parks and Recreation Commission.

CITY OF SANTA BARBARA
CHARTER AMENDMENT

**MEASURE
2009**

YES

NO

Board of Harbor Commissioners

Shall the City Charter be revised by amending Charter Section 811 to increase the number of Harbor Commissioners from five (5) to seven (7) members and to allow one member of the Commission to be a registered voter within Santa Barbara County and not necessarily just within the City of Santa Barbara as currently required.

CITY OF SANTA BARBARA
CHARTER AMENDMENT

**MEASURE
2009**

YES	
NO	

Architectural Board of Review

Shall the City Charter be revised by amending Charter Section 814 to reduce the number of Members on the Architectural Board of Review (the "ABR") from nine (9) to seven (7) members and to allow the City Council to appoint up to three (3) ABR members from persons registered to vote within Santa Barbara County and not necessarily just within the City of Santa Barbara as currently required.

SECTION 3. That the proposed complete text of the charter amendments submitted to the voters and referenced in Section 2 hereof are attached as Exhibits 1, 2, 3, and 4.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by state law.

SECTION 5. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That pursuant to section 1306 of the Santa Barbara City Charter and state Elections Code section 4108, , said election shall be conducted as a vote-by-mail ballot, and shall be conducted pursuant to the applicable requirements of Chapter 2 of Division 4 (commencing with Section 4100) of the California Elections Code only insofar as required by law. In accordance with, Elections Code Section 4103, ballots cast in this election shall be returned to the office of the City Clerk no later than 8:00 o'clock p.m. on election day. Only those ballots received in the office of the City Clerk by 8 o'clock p.m. on election day shall be counted.

SECTION 7. That the drop-off centers for the election shall be open at eight o'clock a.m. on the Saturday preceding election day, October 31, 2009 and shall remain open continuously from that time until five o'clock p.m. of the same day when the centers shall be closed pursuant to Election Code Section 10242. Further, that the drop-off centers for the election shall be open at seven o'clock a.m. on election day, November 3, 2009 and shall remain open continuously from that time until 8 o'clock p.m. of the same day when the centers shall be closed pursuant to Election Code Section 10242, except as provided in Section 14401 of the California Elections Code.

SECTION 8. That pursuant to Elections Code Section 12310, a stipend for services for the persons named as election board members is fixed at the sum of \$160 for each inspector and \$120 for each Clerk for the election. In addition, the sum of \$20 will be given to each inspector and the sum of \$10 for each clerk to attend a training class; the sum of \$10 will be given to each inspector to pick up the precinct supplies; and the sum of \$10 will be given to each bilingual election board member.

SECTION 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by state law for holding municipal vote by mail elections.

SECTION 10. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in time, form, and manner as required by law.

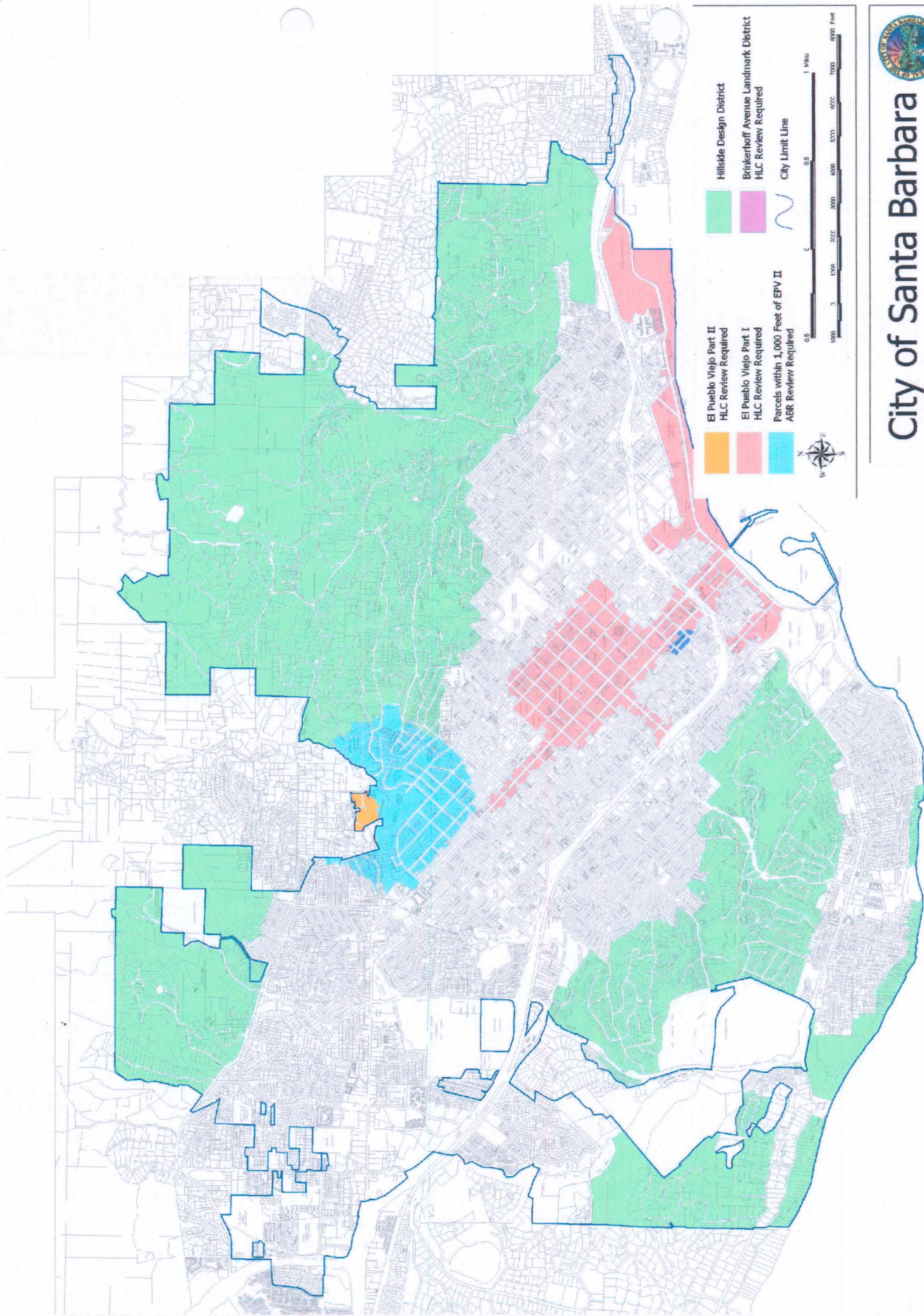
EXHIBIT 1

SHOWING CHANGES FROM EXISTING CITY CHARTER DELETIONS IN ~~STRIKETHROUGH~~ ADDITIONS UNDERLINED

Section 1506. Building Heights. Limitations.

It is hereby declared the policy of the City that high buildings are inimical to the basic residential and historical character of the City. Therefore, bBuilding heights are limited to 30 feet in areas zoned for single-family and two-family residences; and building heights are limited to 45 feet in areas zoned for residences for three (3) or more families and all other building heights shall be limited to 45 feet except in the El Pueblo Viejo Landmark District¹ where building heights shall be limited to 40 feet. ~~for hotel, motel and office use; are limited to 60 feet in areas zoned for industrial, manufacturing and other commercial uses; and 30 feet for all other zones.~~ The Council may, by ordinance, set limits of heights less than these maximums. The Council may, by ordinance, set up reasonable methods of measuring the heights set forth in this section.

¹ The El Pueblo Viejo Landmark District is as defined in Section 817(c) of this Charter. Areas zoned for single family and two family residences in the El Pueblo Viejo Landmark District are subject to the 30 foot height limitation above. Areas zoned for residences for 3 or more families and all other building heights in the El Pueblo Viejo Landmark District are subject to the 40 foot limitation above. The present boundaries of the District are shown in Exhibit A.



City of Santa Barbara

Design Districts

EXHIBIT A

City Council Draft – June 30, 2009
 SHOWING CHANGES FROM EXISTING CHARTER SECTION 809 and 810
 DELETIONS IN STRIKE OUT TEXT
 NEW LANGUAGE IN UNDERLINE

Section 809. ~~Board of Parks and Recreation~~ Commissioners. Powers and Duties.

There shall be a ~~Board of Parks and Recreation~~ Commissioners consisting of ~~five (5)~~ seven (7) members. Notwithstanding Section 802 of this Charter, the City Council may, by ordinance, establish a method for transitioning the former Board of Park Commissioners and the former Recreation Commission into a combined Parks and Recreation Commission as well as to provide that one member of the Parks and Recreation Commission may be an individual residing within the City who is of age sixteen (16) years or older to be nominated, appointed, and to serve in a manner specified by the ordinance adopted by the City Council. The ~~Board of Parks and Recreation~~ Commissioners shall have the power and duty to:

(a) Act in an advisory capacity to the City Council in all matters pertaining to parks, recreation, beaches, creeks, plazas, parkways, and street trees.

(b) Consider the annual budget for parks, recreation, beaches, creeks, plazas, parkways, and street tree purposes during the process of its preparation and make recommendations with respect thereto to the City Council and the City Administrator.

(c) Assist in the planning of parks, recreation, beaches, creeks, plazas, and street trees for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities, ~~Recreation Commission~~ and other public and private agencies interested therein.

(d) Perform such other duties not inconsistent with this Charter as may be prescribed by ordinance.

~~Section 810. Recreation Commission. Powers and Duties.~~

~~There shall be a Recreation Commission consisting of five (5) members. The Recreation Commission shall have the power and duty to:~~

~~(a) Act in an advisory capacity to the City Council in all matters pertaining to recreation.~~

~~(b) Consider the annual budget for recreation purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.~~

~~(c) Assist in the planning of recreation programs for the inhabitants of the City, promote and stimulate public interest therein, and to that end solicit to the fullest extent possible the cooperation of school authorities, Board of Park Commissioners and other public and private agencies interested therein. (d) Perform such other duties as may be prescribed by ordinance not inconsistent with the provisions of the Charter.~~

City Council Draft – June 30, 2009
SHOWING CHANGES FROM EXISTING CHARTER SECTION 811
DELETIONS IN STRIKE OUT TEXT
NEW LANGUAGE IN UNDERLINE

Section 811. Board of Harbor Commissioners. Powers and Duties.

There shall be a Board of Harbor Commissioners consisting of seven (7) ~~five—(5)~~ members which shall have the power and duty to:

(a) Recommend and act in advisory capacity to the City Council in all matters pertaining to the operation of all vessels and water craft within the Harbor of the City, the use, control, operation, promotion and regulation of said Harbor, the construction, improvement, erection, dredging, maintenance and operation of the said Harbor and all navigable waters, buildings, structures, wharves, docks, piers, warehouses, railroads, appliances, utilities and facilities forming a part of or accessory to or relating to said Harbor or to water commerce, navigation or fishery in or about said Harbor, as the same may now exist or may hereafter be extended.

(b) Recommend to the City Council plans, rules and regulations pertaining to any of the matters listed in (a) above, or to the fixing of rates, tolls, fees, rents, charges or other payments to be made to or by the City in connection with the said Harbor or the use or operation thereof or of anything accessory thereto or connected therewith.

(c) Consider the annual budget for the Harbor Department during the process of its preparation and make recommendations with respect thereto to the City Council and City Administrator.

(d) Make recommendations to the City Council regarding the desirable qualifications and duties of the Harbor Manager or other head of the Harbor Department.

(e) Make recommendations to the City Council concerning the acquisition, disposition or repair of equipment, facilities, materials and supplies relating to the Harbor Department.

(f) Perform such other functions or duties, not inconsistent with this Charter, as may be prescribed by ordinance.

Notwithstanding Charter section 802, one member of the Harbor Commission need not be a qualified elector of the City so long as he or she is, at the time of appointment, a qualified elector of Santa Barbara County and remains so qualified while a Commissioner.

EXHIBIT 4

City Council Draft – June 30, 2009
SHOWING CHANGES FROM EXISTING CHARTER SECTION 814
DELETIONS IN STRIKE-OUT TEXT
NEW LANGUAGE IN UNDERLINE

Section 814. Architectural Board of Review. Powers and Duties.

There shall be an Architectural Board of Review composed of ~~nine (9)~~ seven (7) members. At least two (2) members of such Board shall be licensed architects, and at least three (3) other members shall possess professional experience in related fields, including but not limited to, landscape architecture, building design, structural engineering or industrial design. Notwithstanding Charter section 802, three members of the Architectural Board of Review need not be qualified electors of the City at the time of their appointment so long as they are qualified electors of Santa Barbara County and remain so qualified during their terms on the Board. Four (4) members shall constitute a quorum, one (1) of which shall be an architect. The Board shall have the power and duty to:

(a) Review and approve, conditionally approve or disapprove all applications for a building permit for the erection or exterior alteration of any type, nature or kind of building, structure or sign that may be specified by ordinance as requiring such action within any area, district or zone of the City, except for those applications subject to review by the Historic Landmarks Commission. Any application for a building permit, except for those applications subject to review by the Historic Landmarks Commission, for the erection or exterior alteration of any such type, nature or kind of building, structure or sign within any such area, district or zone shall be referred to said Board before issuance, together with plans, elevations and site plans therefor. Any applicant may appeal in writing to the City Council from any action or decision of the Architectural Board of Review, whereupon the City Council may approve, conditionally approve or disapprove such application and the decision of the City Council shall be final. No such building permit shall be issued except in accordance with the approval of the Architectural Board of Review, or on appeal of the City Council. The City Council shall, by ordinance consistent with this Charter, implement the provisions of this section, including those ordinance provisions deemed necessary to properly transition the Board from nine (9) members to seven (7) members.